

# Beasley Allen

BEASLEY, ALLEN, CROW, METHVIN, PORTIS & MILES, P.C.  
Attorneys at law

218 COMMERCE STREET  
POST OFFICE BOX 4160  
MONTGOMERY, ALABAMA 36103-4160  
(334) 269-2343  
(800) 898-2034  
FAX: (334) 954-7555  
BEASLEYALLEN.COM

Brantley Fry  
[Brantley.Fry@BeasleyAllen.com](mailto:Brantley.Fry@BeasleyAllen.com)

June 21, 2013

**VIA EMAIL AND CERTIFIED MAIL (RETURN RECEIPT REQUESTED)**

U.S. Environmental Protection Agency  
Region 4 Freedom of Information  
SNAFC Building – 9<sup>th</sup> Floor  
61 Forsyth Street, S.W.  
Atlanta, GA 30303-8960  
Email: [r4foia@epa.gov](mailto:r4foia@epa.gov)

**FREEDOM OF INFORMATION ACT REQUEST**

RE: FOIA Request Regarding Perfluorochemical Contamination in Decatur, Alabama

To Whom It May Concern:

This letter serves as a formal request for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, on behalf of the West Morgan – East Lawrence Water and Sewer Authority (“WMELWSA”), 2547 Kirby Bridge Road, Decatur, Alabama 35603. WMELWSA is a public water utility servicing western areas of Morgan County, Alabama and eastern areas of Lawrence County, Alabama.

The requests in this letter pertain to the perfluorochemical (“PFC”) contamination in and around Decatur, Alabama. According to EPA documents provided to the public in April 2013, “In 2007, a local industry notified EPA that it inadvertently discharged large quantities of a PFC to Decatur Utilities. At that time, biosolids from Decatur Utilities was being applied as a fertilizer on about 5000 acres of privately owned agricultural fields in Alabama's Lawrence, Morgan and Limestone counties. This practice had been ongoing since 1996.” Subsequently, EPA, the Alabama Department of Environmental Management (“ADEM”), and the Centers for Disease Control’s Agency for Toxic Substances Disease Registry (“ATSDR”) began testing local water sources for PFC contamination. This investigation revealed that water processed at and distributed by WMELWSA contains PFCs, and WMELWSA is concerned about the potential need to augment its current treatment system to allow removal of PFCs from the water. Therefore, WMELWSA seeks information to help identify the original source(s) of the

PFC contamination. Also according to EPA documents, “EPA has identified three local [Decatur] facilities that historically used or manufactured PFCs and discharged wastewater to Decatur Utilities: the 3M Company, Daikin America, Inc., and Toray Carbon Fibers America, Inc. In addition, the Morgan County Landfill discharges leachate containing PFCs to Decatur Utilities.”

### **REQUESTED DOCUMENTS**

When the term “document” is used below, it is meant to include any and all information, including but not limited to all reports, letters, e-mails, surveys, memos, informal notes, etc., including sidebars and handwritten or typed margin notes, sent to, from, or among any EPA personnel, as well as any personal knowledge or information gained through personal communication or otherwise.

Specifically, WMELWSA requests the following:

- 1) All documents in the possession or control of the EPA pertaining to the 2007 communication to EPA from the local, Decatur area, industrial source notifying EPA that it had discharged large amounts of PFCs to Decatur Utilities, including all information related to the volume of PFCs discharged.
- 2) All documents in the possession or control of the EPA pertaining to the discharge of PFCs to Decatur Utilities since January 1, 2005.

If you determine that portions of any records covered by this request are exempt from disclosure, please separate the exempt portions from the nonexempt portions and provide us with copies of the nonexempt portions. For any records that you determine to be exempt from release, please provide us with a specific description of the record or portion of the record along with a particularized description of the legal basis for withholding it as is required. *See Vaughn v. Rosen*, 484 F.2d 820, 827 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974).

### **FEE WAIVER REQUEST**

WMELWSA further requests that any fees associated with this request be waived because disclosure of the records is “likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii). This fee waiver should be granted because:

- 1) Released information concerns the operations or activities of the government. The information we request concerns the operations or activities of EPA in

protecting public health and the environment, specifically protecting public drinking water from contamination.

- 2) Disclosure of the requested documents will serve the public interest. The public has an expressed interest in information regarding the sources of water pollution that can impact public drinking water supplies.
- 3) The requester has *no* commercial interest in the requested information. WMELWSA is a public water utility providing drinking water to area residents near Decatur, Alabama.

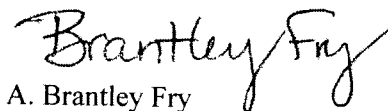
It follows that application of the statute to this request compels the conclusion that a fee waiver is appropriate. If, however, you determine that a fee waiver is not appropriate, please contact me to discuss the approximate cost of obtaining the requested documents. Moreover, if you anticipate any delay for valid legal reasons in processing this request or if you foresee any problem relating to the request for a fee waiver, please notify me as soon as possible.

If any of the requested documentation is available electronically, you may email them to [Brantley.Fry@beasleyallen.com](mailto:Brantley.Fry@beasleyallen.com) or you may send them on a CD. If there are not electronic versions available, please send paper copies to my attention at the address on the letterhead of this request.

Thank you for your assistance.

Sincerely,

BEASLEY, ALLEN, CROW,  
METHVIN, PORTIS & MILES, P.C.



A. Brantley Fry

ABF/th

cc: Robert McWhorter, Esq.  
Don Sims, WMELWSA General Manager